

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34161

STATE OF IDAHO,)	2008 Unpublished Opinion No. 583
)	
Plaintiff-Respondent,)	Filed: August 6, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
DONALD LEE SWAN,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Second Judicial District, State of Idaho, Idaho County. Hon. John R. Stegner, District Judge.

Judgment of conviction and consecutive unified sentences of twelve years, with seven and one-half years determinate, for two counts of vehicular manslaughter, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Donald Lee Swan was charged with two counts of vehicular manslaughter, one count of aggravated driving under the influence and two counts of injury to a child and pursuant to a plea agreement, pled guilty to two counts of vehicular manslaughter, I.C. § 18-4006(3)(b). The district court sentenced Swan to a unified term of twelve years, with seven and one-half years determinate for each of the two counts, with the sentences ordered to run consecutively. Swan appeals from his judgment of conviction and sentences, contending that the district court abused its discretion by imposing excessive sentences.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121

Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentence. Accordingly, Swan's judgment of conviction and sentences are affirmed.